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October 3, 2014

Mr. Lev Kubiak
Director
Intellectual Property Rights Coordination Center
2451 Crystal Drive, STOP 5105
Arlington, VA 20598-5105

Dear Director Kubiak:

I write to express my concern regarding increased imports of counterfeit prom and bridal dresses from China and request that the Intellectual Property Rights Coordination Center (IPR Center) focus upcoming enforcement actions on websites and their operators that distribute these goods.

As you well know, Chinese counterfeiting of American-designed and branded products is a major concern for a variety of U.S. businesses, and sadly appears to be getting worse. U.S. Customs and Border Protection estimates that 93% of IP-infringing products seized in 2013 originated in China and Hong Kong.

The domestic prom and bridal dress industry is increasingly under threat from Chinese dress manufacturers and websites that sell counterfeit goods directly to U.S. consumers. These operators frequently use marketing imagery pirated from U.S. designers to advertise their products and portray them as authentic. Furthermore, when shipping the items to U.S. consumers, the Chinese firms often mark the package as a "gift", skirting customs inspection and avoiding the payment of applicable import duties.

The effects of this direct-to-consumer sale of counterfeit goods negatively impacts companies, consumers, and taxpayers alike. American companies that invest in the design, marketing, manufacturing and distribution of prom and bridal dresses are losing sales to Chinese firms that flagrantly violate U.S. law. Consumers who purchase these counterfeit dresses online often have no way of knowing that they are inauthentic and have little recourse when they finally receive the inferior product. The use of pirated imagery lulls the customer into thinking they are purchasing an authentic article and returning any ill-fitting, incorrect or poor quality items to China for a refund or replacement is practically impossible. Finally, intentionally categorizing the products as gifts to avoid duties and Customs inspection undermines the full and fair enforcement of our customs laws, deprives American taxpayers of much-needed revenue and places American firms at a competitive disadvantage.

Although I am aware that the prom and bridal dress industry has pursued legal action and obtained domain name takedowns for infringing sites, the industry cannot be left to tackle this

problem alone. I therefore ask that the IPR Center focus its efforts on tackling the rampant proliferation of counterfeit goods in this industry.

Sincerely,



Robert Menendez
United States Senator

cc: Howard Shelanski, Office of the U.S. Intellectual Property Enforcement Coordinator, White House